



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gregory S. Snider

Confirmation No.: 1745

Application No.: 09/898,677

Examiner: Bruckart B.

Filing Date: 7-3-2001

Group Art Unit: 2155

Title: E-SERVICE COMMUNICATION SYSTEM AND METHOD

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 8-3-05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
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( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Typed Name: Paul H. Horstmann

Signature: Paul H. Horstmann

Respectfully submitted,

Gregory S. Snider

By Paul H. Horstmann

Paul H. Horstmann

Attorney/Agent for Applicant(s)

Reg. No. 36,167

Date: 1-23-06

Telephone No.: (310) 376-0218



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Gregory S. Snider

Application No: 09/898,677

Filed: 7-3-2001

For: E-SERVICE COMMUNICATION  
METHOD AND SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner: Bruckart B.

Art Unit: 2155

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Paul H. Horstmann

Signature

1-23-06

Date

**Appellant's Brief (Pursuant to 37 C.F.R. §41.37)**

Dear Sir:

Applicant/Appellant submits this Appeal Brief in connection with the above-referenced patent application which is on appeal to the Board of Patent Appeals and Interferences.

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### **REAL PARTY IN INTEREST**

The real party in interest in this application is Hewlett-Packard Development Company, L.P.

### **RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any other related appeals or interferences that may directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **STATUS OF THE CLAIMS**

Claims 25-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. US 2001/0013051 of *Nakada et al.* ("*Nakada*") and U.S. Publication No. 2002/0122063 of *Weinberg et al.* ("*Weinberg*").

Appellant appeals the rejection of all of the pending claims 25-39. Claims 25-39 as currently pending are set forth in the attached Appendix.

### **STATUS OF AMENDMENTS**

Appellant is unaware of any amendments filed after the Final Office Action mailed 5-3-2005 which finally rejected claims 25-39.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 25 is directed to an e-service system that specifies a request that pertains to a set of data using an agent communication language (ACL) having a structured query language (SQL) as a constraint language. (See appellant's specification, page 9, lines 24-26 and elements 200 and 228 of Fig. 2). Specifying a request pertaining to a set of data using an ACL having an SQL constraint language enables rapid development of e-services by enabling use of existing web database mechanisms for processing ACL constraints. (See appellant's specification, page 9, lines 18-21, 27-30, page 14, lines 14-19).

Independent claim 30 is directed to a web server for an e-service system in which a request that pertains to a set of data is specified using an ACL having an SQL as a constraint language. (See appellant's specification, page 9, lines 24-26 and elements 200, 206, and 228 of Fig. 2).

Independent claim 35 is directed to a method for e-service that includes generating a request pertaining to a set of data such that the request is specified using an ACL having an SQL as a constraint language. (See appellant's specification, page 9, lines 24-26 and elements 200 and 228 of Fig. 2).

### **GROUND S OF REJECTION TO BE REVIEWED ON APPEAL**

**I: Rejection of claims 25-39 as being obvious in view of *Nakada and Weinberg*.**

## ARGUMENT

**I: Claims 25-39 are not obvious in view of *Nakada* and *Weinberg* because *Nakada* and *Weinberg* do not disclose or suggest the limitations of independent claims 25, 30, and 35.**

Appellant respectfully submits that claims 25, 30, and 35, and claims 26-29, 31-34, and 36-39 which depend from claims 25, 30, and 35, are not obvious in view of *Nakada* and *Weinberg* because *Nakada* and *Weinberg* do not disclose or suggest the limitations in claims 25, 30, and 35 of specifying a request that pertains to a set of data using an ACL having an SQL as a constraint language. First of all, *Nakada* and *Weinberg* do not disclose or suggest specifying a request pertaining to a set of data using an ACL as claimed in claims 25, 30, and 35. Moreover, *Nakada* and *Weinberg* do not disclose or suggest an ACL having an SQL as a constraint language as claimed in claims 25, 30, and 35.

**A. *Nakada* and *Weinberg* do not disclose or suggest specifying a request pertaining to a set of data using an ACL as claimed in claims 25, 30, and 35.**

Appellant submits that *Nakada* does not disclose or suggest specifying a request pertaining to a set of data using an ACL as claimed in claims 25, 30, and 35. Instead, *Nakada* discloses specifying conversations among a set of agents using an ACL. (*Nakada*, Abstract). For example, paragraph 91 of *Nakada* shows a variety of ACL performatives<sup>5</sup> that may be specified in a message type 301 field of a message packet 300 that is used for conversations among agents. It is submitted that all of the ACL performatives that may be specified in the message type 301 of *Nakada* are for maintaining conversation threads among agents and not for specifying a request pertaining to a set of data as claimed in claims 25, 30, and 35. For example, *Nakada* teaches that the “ask-if” and “sorry” and “error” ACL performatives are requests for determining the processing capabilities of agents (*Nakada*, paragraph 100) rather than requests pertaining to a set of data as claimed in claims 25, 30, and 35.

Rather than disclose or suggest specifying a request pertaining to a set of data using an ACL as claimed in claims 25, 30, and 35, *Nakada* teaches specifying a request pertaining to a set of data using a format that is adapted to a particular ontology<sup>6</sup>. (*Nakada*, paragraph 84). For example, *Nakada* in paragraph 84 discloses a request pertaining to a set of flight data in the format of “R, flight, Narita to Tacoma, 1997/07/06/15:00-1997/07/06/1800” which is a format adapted to a traffic reservation ontology. (*Nakada*, paragraph 84, lines 5-7 and 10-12). Clearly, the request “R, flight, Narita to Tacoma, 1997/07/06/15:00-1997/07/06/1800” is not specified using an ACL because it does not include any of the ACL performatives disclosed in paragraph 91 of *Nakada*.

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<sup>5</sup> An ACL uses a performative to specify an action to be performed. (See page 6, lines 7-9 of appellant’s specification).

<sup>6</sup> An ontology is a vocabulary that applies to a specific domain, e.g. “composer” and “performer” apply to the domain of music and “Beethoven” and “Horowitz” are values for composer and performer, respectively. (See appellant’s specification, page 6, lines 16-20).

*Weinberg* does not disclose or suggest specifying a request pertaining to a set of data using an ACL as claimed in claims 25, 30, and 35. Instead, *Weinberg* discloses a client that communicates with a server using a variety of protocols - none of which is an ACL. (*Weinberg*, paragraph 134).



**B. *Nakada* and *Weinberg* do not disclose or suggest an ACL having an SQL as a constraint language as claimed in claims 25, 30, and 35.**

Appellant submits that *Nakada* does not disclose or suggest an ACL having an SQL as a constraint language<sup>7</sup> as claimed in claims 25, 30, and 35. In fact, *Nakada* does not even discuss a constraint language. Applicant cannot find the terms “constraint” or “constraint language” anywhere in the teaching of *Nakada*. Paragraph 84 of *Nakada* shows a set of values associated with a traffic reservation ontology (the values “R, flight, Narita to Tacoma, 1997/07/06/15:00-1997/07/06/1800”) that may be viewed as constraints. Nevertheless, the values “R, flight, Narita to Tacoma, 1997/07/06/15:00-1997/07/06/1800” are not expressed using SQL as a constraint language as claimed in claims 25, 30, and 35. Instead, the expression “R, flight, Narita to Tacoma, 1997/07/06/15:00-1997/07/06/1800” is adapted to a predetermined format associated with the traffic reservation ontology. (*Nakada*, paragraph 84, lines 5-7 and 10-12).

*Weinberg* discloses a client that uses SQL to communicate with a server (*Weinberg*, paragraph 134) rather than using SQL as a constraint language for an ACL as claimed in claims 25, 30, and 35. This follows from the fact that *Weinberg* does not disclose an ACL as claimed in claims 25, 30, and 35. It appears that the examiner has cited *Weinberg* merely for the purpose of showing that SQL exists in client-server communications<sup>8</sup>. It is submitted that the mere fact that SQL exists as a language for accessing data on a server as taught by *Weinberg* does not suggest using SQL as an constraint language for an ACL as claimed in claims 25, 30, and 35. *Weinberg* does not suggest using

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<sup>7</sup> A constraint language enables the formation of expressions by relating values to aspects of an ontology, e.g. the expression “composer=Beethoven” in appellant’s specification on page 6, lines 26-29.

<sup>8</sup> Appellant can find only two occurrences of the term “SQL” in the entire lengthy description of *Weinberg* and those are in parenthetical references to alternative implementations of client-server communication. (*Weinberg*, paragraphs 134 and 144).

SQL as a constraint language for an ACL or the desirability of using SQL as a constraint language for an ACL<sup>9</sup>.

Moreover, Appellant submits that the teachings of *Nakada* and *Weinberg* would not motivate<sup>10</sup> one of ordinary skill in the art to combine *Nakada* with *Weinberg* because the teachings in *Nakada* that pertain to an ACL are motivated by a desire to provide conversations among a set of agents (*Nakada*, paragraphs 7 and 15) whereas the teachings in *Weinberg* that pertain to an SQL are motivated by the need to provide alternatives to HTTP client-server communication (*Weinberg*, paragraph 134).

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<sup>9</sup> The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

<sup>10</sup> An obviousness rejection based on a combination of references is improper in the absence of a motivation to combine the references. *In re Rouffet*, 149 F.3d 1350, 1357, 47USPQ2d 1453, 1457-58 (Fed. Cir. 1998).

### CONCLUSION

Appellant respectfully submits that the stated rejections cannot be maintained in view of the arguments set forth above. Appellant respectfully submits that all of the claims 25-39 are patentable under 35 U.S.C. §103 over the references cited by the Examiner and requests that the Board of Patent Appeals and Interferences direct allowance of the rejected claims.

Respectfully submitted,

By

Date: 1-23-06

Paul H. Horstmann  
Paul H. Horstmann  
Reg. No. 36,167

## CLAIMS APPENDIX

25. An e-service system, comprising:  
client machine that generates a request pertaining to a set of data such that the request is specified using an agent communication language (ACL) having a structured query language (SQL) as a constraint language;  
web server having an ACL interpreter that enables access to the data in response to the request.
26. The e-service system of claim 25, wherein the request has a syntax of an extensible markup language (XML).
27. The e-service system of claim 25, wherein the ACL interpreter translates the request into an input to a common gateway interface (CGI) script.
28. The e-service system of claim 25, wherein the ACL is a knowledge query manipulation language (KQML) agent communication language.
29. The e-service system of claim 25, wherein the ACL is a foundation for intelligent physical agents (FIPA) agent communication language.
30. A web server for an e-service system, comprising an ACL interpreter that enables access to a set of data in response to a request pertaining to the data such that the request is specified using an agent communication language (ACL) having a structured query language (SQL) as a constraint language.
31. The web server of claim 30, wherein the request has a syntax of an extensible markup language (XML).

32. The web server of claim 30, wherein the ACL interpreter translates the request into an input to a common gateway interface (CGI) script.

33. The web server of claim 30, wherein the ACL is a knowledge query and manipulation language (KQML) agent communication language.

34. The web server of claim 30, wherein the ACL language is a foundation for intelligent physical agents (FIPA) agent communication language.

35. A method for e-service, comprising:

generating a request pertaining to a set of data such that the request is specified using an agent communication language (ACL) having a structured query language (SQL) as a constraint language;

accessing the data in response to the request by interpreting the ACL.

36. The method of claim 35, wherein generating a request comprises generating a request using an extensible markup language (XML) as a syntax for the request.

37. The method of claim 35, wherein interpreting the ACL includes translating the request into an input to a common gateway interface (CGI) script.

38. The method of claim 35, wherein generating a request comprises generating a request such that the request is specified using a knowledge query manipulation language (KQML) agent communication language.

39. The method of claim 35, wherein generating a request comprises generating a request such that the request is specified using a foundation for intelligent physical agents (FIPA) agent communication language.

## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.